1			Judge Lasnik
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5			STRICT COURT
6		T SEAT	OF WASHINGTON TLE
7	UNITED STATES OF AMERICA,)	NO CD0(02011
8	Plaintiff,)	NO. CR06-0301L ORDER GRANTING
9	V.)	STIPULATED MOTION TO CONTINUE TRIAL
10	FRANKIE ROBERTSON BUTLER &, MICHAEL ANTHONY BELL,		CONTINUE TRIAL
11 12	Defendant.)	
		/	

THE COURT having considered the stipulation of the parties, the records and files herein, including, but not limited to Frankie Robertson Butler's agreement to extend the time for trial, hereby makes the following findings of fact:

- 1. The Court finds that the defendants, Frankie Robertson Butler and Michael Anthony Bell, are properly joined for trial.
- 2. The Court finds that it is unreasonable to expect counsel for Mr. Bell to be prepared for trial on December 4, 2006, five days after Mr. Bell is expected to make his initial appearance. The Court finds that a failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(iv).
- 3. The Court finds that continuing this case to January 29, 2007, a date within Mr. Bell's 70-day time for trial period, is reasonable and does not violate Mr. Butler's speedy-trial rights, since the continuance provides Mr. Bell's counsel with the necessary time to prepare for trial and results in no prejudice to Mr. Butler, within the meaning of 18 U.S.C. § 3161(h)(7).

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4. The Court finds that the ends of justice will be served by ordering a 1 continuance in this case. The Court further finds that the continuance will serve the 2 interests of judicial economy and is necessary to insure effective trial preparation and that 3 these factors outweigh the bests interests of the public in a more speedy trial within the 4 meaning of 18 U.S.C. § 3161(h)(8)(A). 5 IT IS THEREFORE ORDERED that the trial date be continued from December 4, 6 2006, to January 29, 2007. 7 IT IS FURTHER ORDERED that the period of time from November 27, 2006, up 8 to and including the new proposed trial date of January 29, 2007, shall be excludable time 9 pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161, et. seq. 10 DONE this 29th day of November, 2006. 11 12 MMS Casnik 13 14 United States District Judge 15 Presented by: 16 17 s/ C. Andrew Colasurdo 18 C. ANDREW COLASURDO Special Assistant United States Attorney 19 WA Bar #27449 20 United States Attorney's Office 700 Stewart Street, Suite 5220 21 Seattle, WA 98101-1271 Telephone: (206) 553-4075 22 (206) 553-0755 23 E-mail: Andv.Colasurdo@usdoi.gov 24 (Telephonic approval) 25 DAVID GEHRKE 26 Attorney for Frankie Robinson Butler 27 (PROPOSED) ORDER GRANTING STIPULATED 28 MOTION TO CONTINUE. TRIAL

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